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ABSTRACT

This monograph, intended for Maine educators, presents basic information in question-and-answer format on assistive technology devices and services and the role of assistive technology in delivering appropriate education to children with disabilities in the least restrictive environment. Questions address the following topics: definitions; relevant provisions of the Individuals with Disabilities Education Act; funding sources; alternatives to purchasing assistive technology devices; responsibilities of schools regarding device maintenance, repair, and replacement; relationship of assistive technology devices to medical needs; evaluation of assistive technology devices or services; and training in use of such devices. Also provided are sample questions to ask in device assessment. These questions consider choice options, characteristics and features, availability and purchase, examination and use, wear and maintenance, and technical features. (DB)

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# Educators' Commonly Asked Questions About Assistive Technology Devices and Services

October, 1995

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# Educators' Commonly Asked Questions About Assistive Technology Devices and Services

Prepared by
Deborah Parker Wolfenden
Funding and Policy Analyst
MaineCITE Project

October, 1995

This material is available upon request in alternative formats by calling the Department of Education, Division of Special Services at 207 287-5950 (Voice) or 207 287-2550 (TDD).

## Introduction

The 1990 Amendments to the Individuals with Disabilities Education Act (I.D.E.A.) contain the definitions for assistive technology device (20 U.S.C. § 1401 (a)(25) and assistive technology service (20 U.S.C. § 1401 (a)(26). Regulations implementing the I.D.E.A. state that assistive technology (AT) can be included in an Individualized Education Program (IEP) for three reasons: as part of special education, as a related service, or as a supplemental aid or service to allow the child to be educated in the least restrictive environment (34 C.F.R.§ 300.308). In short, assistive technology may be necessary for some students to benefit from their education programs.

In the fall of l993 Division of Special Services and MaineCITE staff, University personnel, parent organizations, and local directors of special education representatives met to identify assistive technology training and other needs among educators across Maine. A survey was conducted which resulted in data reflecting training and information needs by Special Education Directors, Special Education and Gifted and Talented teachers, Directors of Adult Education, and related services personnel.

Reauthorization of I.D.E.A., its' implications for assistive technology, and results of the survey formed a basis for long range planning and policy development. In December, l994 Division of Special Services and MaineCITE staff began discussion that resulted in:

- agreement that MaineCITE staff would support the Division of Special Services in providing technical assistance to local school districts;

- review and comment by MaineCITE staff to the Division of Special Services regarding the draft regulations that pertained to AT; and

- mutual recognition that this long range planning effort is important to ensure the creation of cost-effective and educationally appropriate model forms, policies and procedures that incorporate assistive technology.

This interim publication, Educators' Commonly Asked Questions About Assistive Technology Devices and Services, has been developed with consultation from John Kierstead, Ethel Macklin, Michael Opuda, Leigh Phillips, and Christine Bartlett. We hope that this material will assist the reader to better understand assistive technology and its' role in delivering appropriate education to children with disabilities in the least restrictive environment.

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**Question:** What is an Assistive Technology Device?

**Response:** The term Assistive Technology Device as used in the Maine Special Education Regulations means "any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities."

**Question: What is an Assistive Technology Service?**

**Response:** The term Assistive Technology Service as used in the Maine Special Education Regulations means "any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

A) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

B) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

C) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing assistive technology devices;

D) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

E) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

F) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities."

**Question:** What are the provisions of the Individuals with Disabilities Education Act (I.D.E.A.) that support funding and/or provision of assistive technology devices and/or services?

**Response:** The Individuals with Disabilities Education Act contains six programs, services and administrative positions that can be viewed as supporting potential funding of assistive technology. Each of these terms is described below.

1. Free Education

The "free" in Free Appropriate Public Education (FAPE) is extremely significant to children with disabilities who may require assistive technology. As stated in the statute and regulations, all aspects of the special education and related services provided to a child with disabilities must be "at no cost to the parents". This "at no cost" rule prohibits school districts from excluding assistive technology devices and/or services on the Individual Education Program (IEP) based on its expense. The only time "cost" can be a consideration is where two equal alternatives exist that would each enable the child to receive an "appropriate" education. In this case the school may choose the less expensive option.

2. Special Education

"Special Education" is defined in the I.D.E.A. as:

Specially designed instruction, at no cost to the parents, **to meet the unique needs of a child** (emphasis added) with a disability, including —

i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

ii) Instruction in physical education. (20 U.S.C 1401(a)(16); 34 C.F.R. Section 300.17)

As you can see, the most important part of this definition is that the instruction is "specially designed" to "meet the unique needs" of a child. Based on the individual child's needs, the "special design" may be minimal or intensive. Remember that "specially designed" instruction does **not** mean that the instruction has to be in a separate class.

3. Related Services

As stated in the I.D.E.A., "related services" means:

> transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training. (20 U.S.C. 1401 (a)(17); 34 C.F.R. Section 300.16).

In order for a child with a disability to receive a related service, it must be established that the service is required to assist a child with a disability to benefit from special education. All children, regardless of the severity of their

disability, are presumed to have needs that can be addressed by specially designed instruction and are entitled to any related services that will assist the special education.

4. Least Restrictive Environment

The I.D.E.A. requires special education and related services to be provided in particular settings. The educational setting for a child with disabilities must be, "to the maximum extent appropriate, in the least restrictive environment" (LRE). LRE uses as a comparison the educational placement the child would be in if she/he had no disabilities. Children with disabilities have the right to attend schools and classes in schools closest to their homes and with children who do not have disabilities. Children with disabilities are removed from these settings and placed elsewhere on the educational continuum only when their individual educational needs warrant. LRE is one of the assurance requirements of eligibility for federal funding.

In implementing this LRE requirement, school districts must make available a "continuum of placements" (34 C.F.R. 300.551-.556). This means that a district must operate and/or contract for a wide range of educational settings such as regular education classes, resource room classes, self contained classes, private day schools, residential placements, and home and hospital instruction. It is important to realize that throughout this range of placements, children with disabilities must receive the special education and related services as well as the supplementary aids and services they require. While it is true that there is no definition of supplementary aids and services in the I.D.E.A. or its regulations at present, it is clear that the term is important because it is tied to the child's placement.

Supplementary aids and services should be viewed as the devices and services children with disabilities require in order to achieve or most closely approximate the abilities of children who do not have disabilities.

In addition, the LRE requirement must be applied to every course and every activity. Schools must consider each piece of the school experience separately. Some children may need supplemental aids and services in order to participate in some academic subjects, lunch, gym, music, art, assemblies, field trips, or extra curricular activities. Others may not need supplemental aids and services in order to participate in these activities. The child's IEP must state the degree to which the child will be in regular education and what, if any, supplemental aids and services will be provided.

Finally, the supplemental aids and services requirements is extremely important in regard to assistive technology. The August 10, l990 Office of Special Education Programs (OSEP) letter expressly states that assistive technology can be considered an LRE factor which ties assistive technology to maximizing the child's ability to be in regular education, and to participate in learning and other activities with children who do not have disabilities (16 EHLR 1317 OSEP, l990).

5. Staff Development

The I.D.E.A. recognizes that in order to be successful, the instructional staff, the administrative staff and the services staff must be aware of the goals of the statute, must be trained appropriately to carry out the goals, and must be

aware of and amenable to replicating successful programs in other districts (20 U.S.C. Sections 1413(a)(3); 1414(a)(c)(i); 34 C.F.R. Section 300.380 -.387).

The I.D.E.A.'s staff development requirements are extremely important in regards to assistive technology. One of the greatest issues relating to special education is the lack of knowledge about successful programs and a failure to adopt new approaches and techniques. The inclusion of assistive technology service within the I.D.E.A. should be read in conjunction with the "staff development" duty. It includes training for professionals as an assistive technology service (20 U.S.C. Section 1401(a)(26). If appropriate in order to meet the individual educational goals of the student, training in the use and operation of assistive technology for teachers and others working with the student with disabilities (i.e., occupational therapists, speech/language pathologists, physical therapists, peers and/or family) can be written into the IEP as an assistive technology service.

6. Procedural Safeguards

The I.D.E.A. rejects the practice of school districts offering a "one size fits all" with regard to educational programs. All aspects of the educational program for a child with disabilities must be developed according to a set of standardized procedures. These "safeguards" ensure that a child's educational program will be teaching meaningful skills with recognition of the unique aspects of the child.

**Question:** Must local schools be accessible for students with mobility impairments?

**Response:** Yes. One option that is NOT available to schools is to offer to send the student with mobility impairments to other districts. On the contrary, school units must place students with mobility impairments in their home districts. If none of the schools in the home district are accessible, modifications to at least one school must be made in order for the child with mobility challenges to be enrolled. Rules under Section 504 of the Rehabilitation Act (34 C.F.R. Part 104.21-. 23) require that schools have accessible entrances and exits, hallways and interior doorways, bathrooms, water fountains, libraries, gymnasiums, and auditoriums. If one of the classes or programs is available at only one location and that location is not accessible, Section 504 requires that the class or program be moved, or the location made accessible. Section 504 gives schools choices concerning how but not whether physical barriers are removed. Students with mobility impairments do not have to accept lesser academic or non-academic opportunities simply because of mobility challenges.

**Question:** Are schools required to pay for Assistive Technology Devices and Services?

**Response:** Not necessarily. It is important to note that while it is the responsibility of the school district to provide for the equipment, services or programs recommended in the IEP, the school district may pay for the equipment, service or programs or access other sources such as the parents, private health insurance policies, and/or Medicaid to pay for the devices, and services. The following points are critical to remember:

**Schools cannot require the parents to pay for an assistive technology device(s) or service(s) identified on a child's IEP.**

**Schools cannot require parents' health insurance to pay for child's FAPE.**

**Schools can use Medicaid to pay for a child's FAPE.**

**Question:** Can schools require parents to use their private insurance to pay for necessary AT devices and services?

**Response:** No. The "free" in FAPE is extremely significant regarding children with disabilities who may require assistive technology devices or services. As stated in I.D.E.A. and its regulations, all aspects of the special education and related services must be provided "at no cost to the parents". The term "free" is interpreted broadly and goes far beyond the simple paying of deductibles and copayment. The courts have interpreted "free" to apply to a cadre of parameters including but not limited to: future insurability, depletion of maximum lifetime caps, raised premiums, discontinuation of policy, and pre-existing condition exclusions. If the family agrees to allow the school to access their private insurance, this decision must be **strictly voluntary.**

**Question:** Can families ever be asked to purchase the devices or augment the identified assistive technology needs of their child?

**Response:** Yes. Education is a shared responsibility between school, families and community. Schools develop relationships with families and as part of this communication, there are times when parents can be asked what devices or services they could afford to purchase. It is well recognized that assistive devices and services are used across a broad spectrum. These devices and services serve functional as well as educational needs. When viewed in this manner, the possibility of joint funding is entirely appropriate as long as the parents' willingness to share the financial responsibility is **voluntary.** Schools should always be mindful, however, that if the assistive technology devices and services appear in the IEP, then the school is responsible for providing for the identified assistive technology need(s). Even if the family does purchase the assistive technology device, the schools cannot mandate that the device be brought to school. Families can insist that another device be provided for school use. If you would like additional information regarding sharing responsibilities with families, please refer to the MaineCITE publication, Parent Guidebook to Assistive Technology or the Special Education Regulations. Copies of both documents are available through the Division of Special Services.

**Question:** Is it necessary to use Part B monies to purchase assistive technology devices and services?

**Response:** Federal dollars may be used for an assistive device, if appropriate, but it is not required. Assistive technology devices may be purchased and claimed for subsidy under General Purpose Aid but not Special Education. Assistive technology services are an allowable special education expense if these services are provided by a qualified individual as defined in the Maine State Regulations.

**Question:** What are some of the additional funding sources that a local school unit might consider utilizing in meeting the assistive technology needs of students with disabilities?

**Response:** In addition to a variety of federal, state and local educational dollars, there are a number of potential funders that schools might consider utilizing in providing the necessary assistive technology devices for students with disabilities. Some of these programs are: The Adaptive Equipment Loan Program (AELP), Medicaid, the Preventive Health Program (PHP), Vocational Rehabilitation, Child Development Services, Private Insurance, Supported Employment, Bureau of Children with Special Needs, and the Maine Independent Living Services Program. For more complete information including eligibility, age ranges and types of devices and services likely to be considered on these and other programs, consult the MaineCITE publication, Easy Reference Handbook to Maine Assistive Technology Funders.

**Question:** Are there other options for schools to consider in lieu of purchasing the Assistive Technology Device?

**Response:** Yes. There are times when the outright purchase of equipment or devices is not necessary or even advisable. In instances such as these, schools might consider rental or long-term lease/purchase options. Equipment rentals or long-term lease/purchase options are not intended to be less costly than purchase. There are certain advantages worth considering depending on the individual needs of the student. For example, renting equipment might be a reasonable strategy if the child's condition is considered temporary; if the child's condition is expected to improve or deteriorate; or, when it is necessary to try-out the equipment before purchase for a student. Long-term leasing or lease/purchase agreements also have potential benefits for schools which include: no obligation on behalf of the school to purchase the device; reduction of obsolete inventory; flexible leasing terms; use of equipment without a lump-sum purchase; upgrading of equipment as more improved technology becomes available; and, upgrading of equipment as the student's needs change.

**Question:** Can schools share the funding responsibilities of providing Assistive Technology Devices and Services?

**Response:** Yes. This practice, while not well developed, is certainly recommended. This practice is especially appropriate for children with disabilities who are expected to be transitioning from birth to five programs (i.e., Child Development Services and Headstart) or transitioning to adult programs such as vocational rehabilitation. State and local educators can establish and strengthen existing cooperative agreements with these potential partners as Maine moves toward the goal of a "seamless system". The goals of such agreements should be to maximize public, corporate, and private funds (philanthropic organizations, religious groups, community service clubs, etc.) while minimizing state and local districts costs.

**Question:** Can schools participate in interdistrict and intradistrict loans of Assistive Technology (AT) devices?

**Response:** Yes. Selected districts in Maine are currently involved in a pilot project designed to eventually enhance sharing of unused AT between local school units. To date, at least one district has completed its inventory on available equipment. In this district, schools have begun borrowing unused equipment from other schools within the district. In the fall of l995 a proposal will be presented to the Maine State Superintendents' Association. If this proposal is accepted, it is expected to serve as a statewide model to allow interdistrict and intradistrict loans of unused AT.

**Question: Are schools responsible for customization, maintenance, repair, and replacement of assistive technology devices?**

**Response:** AT services such as customization, maintenance, repair, and replacement are included as considerations in the acquisition of equipment or devices purchased/provided by the school. It is the responsibility of the school unit to ensure that students who require assistive technology devices also receive the necessary assistive technology services that will make the technology meaningful to the student. This requirement reflects the "individualization" of a specific type of device.

If family-owned AT is used by the school, is listed in the IEP, and is necessary for providing Free Appropriate Public Education (FAPE), the school unit might also be responsible for maintenance, repair, and replacement. Responsibilities for these services should be identified in the IEP.

**Question:** Can schools be required to purchase personal devices such as hearing aids and eye glasses?

**Response:** On a very limited basis and under unique circumstances based on the individual, special education needs of a student with disabilities, devices such as hearing aids and eye glasses may be considered AT. In November, l993 the Office of Special Education Programs (OSEP) issued a policy letter (Seiler 20 IDELR 1216 1993) that stated a hearing aid could be considered a covered device under the l990 amendments to the I.D.E.A. As with any other AT device(s) and/or service(s), if the school unit is to provide the device and/or service, it must be written into the IEP.

**Question: Can students take the Assistive Technology Device(s) home?**

**Response:** If the school purchases the device, it by statute owns it. This fact, however, does NOT determine whether or not the device goes home with the student. To look strictly at ownership as the determining factor, if a device goes home, could be viewed as discrimination. School books are owned by the schools, yet students are expected to take them home to do homework and to study. AT devices have no parallel to school books, desks, chairs, or any other item considered to be "school property".

AT may be necessary for the child to achieve educational benefits. Therefore, a more appropriate question may be to ask how the AT is expected to be used by the student in order to achieve educational benefit. In many instances the AT may be most closely compared to a part of the child's body, substituting for his/her non-working or impaired body part or function. Viewed in this way, it becomes obvious that a child would not be expected to leave a part of him/herself at school at the end of the day or during vacations.

If the Pupil Evaluation Team (PET) determines that a particular assistive technology device is required for home use in order for the student to be provided FAPE, and this is communicated in the IEP, then the AT must be provided and allowed to go home in order to implement the IEP (18 IDELR 627, l992). Discussion regarding liability while the device is at home needs to be held and recorded in the IEP.

**Question:** Can the school require the student to bring the device(s) from home?

**Response:** No. There is no barrier to a child bringing his/her AT from home to school, but schools have no authority to mandate that this occur. The family can and may insist that the school provide the necessary devices as part of the child's Individual Education Plan even if the student has identical device(s) at home.

**Question:** Aren't Assistive Technology Devices and Assistive Technology Services considered medical and therefore not appropriate to consider in educational environments?

**Response:** Congress identified a wide range of "health" services as educationally related. School units are not free to ignore this designation. Once a service or device is determined to be necessary for a student to benefit from his/her special education program, then the service or device must be provided by the school. The educational/medical distinction ceases to have any relevance or significance once there is a recognition of the connection between the service or device and the student's special education. The only alternative would be for the school to argue that the device or service is not needed at all.

**Question:** What are some of the considerations that should be factored into the evaluation for Assistive Technology Devices or Services?

**Response:** In order for a student to receive a proper evaluation, the evaluator should be knowledgeable about the specific area of disability as well as the technology devices and services that may enable the student to benefit from his/her educational program. Evaluation results are key to what is included on the IEP. It is critical that the evaluations accurately reflect the preferences, strengths, and needs of the student with the disability as well as his/her family. The environment used in the evaluation process is also critical. I.D.E.A. requires that the evaluation be performed in the settings in which the AT will be used (i.e., the playground, music class, gymnasium, regular classroom, bus). If the local school unit does not employ personnel who can adequately evaluate the assistive technology needs of the student, the school unit must obtain these services elsewhere. As with any other service, as a last resort the parents may seek an independent evaluation.

**Question:** If evaluation results recommend the acquisition of an AT device, what are some of the questions that should be asked before the final decision regarding which device is most appropriate for the student?

**Response:** There are a number of questions which would be appropriate for local school units to consider in the process of acquiring an assistive technology device or providing an assistive technology service for a student with a disability. A partial list of sample assessment questions that schools may find helpful in determining the most appropriate and most cost-effective device(s) to provide are listed on pages 28 - 33. It is important to keep in mind that assistive technology is not always highly complex, electronic technology. It also includes low cost, non-complex, non-electronic technology items as well.

**Question:** In addition to the student, are there other individuals who should be trained to use the assistive technology device(s)?

**Response:** Use of AT without integration into the student's individual goals and objectives will result in little, if any, benefit. All individuals who work or play with the student should be a part of this process. For a student with a disability it is not enough to have the classroom teacher or related service personnel (i.e., Occupational Therapist, Physical Therapist, Speech/Language Pathologist) be the only ones trained in the use of the device. If the device is to be meaningfully integrated into the student's life and curriculum, the significant people with whom he/she interacts need to be familiar with the AT. If parents, siblings, peer mentors are expected to assist the student with class work and/or homework assignment, they must know how to effectively use the device(s). Often, very limited instruction is needed. Nonetheless, if these services are needed to help the student meet the IEP goals and objectives and benefit from the educational program, the school is responsible for providing this service.

**Question:** How do schools determine if the assistive technology device(s) constitute **best** vs. appropriate educational program?

**Response**: An educational program is "appropriate" when it provides "education benefit". There is no substantive requirement in I.D.E.A. which addresses the degree of benefit that must be provided. What is clear, however, is the expectation that educational programs do more than prevent regression or provide more than zero benefit. The benefit must be meaningful. To address if these benefits are appropriate or best, consider what the student's program is before the recommendation for AT is made. Questions to ask include:

- Does the student have access to all the instruction and other activities that are available to his/her nondisabled peers?

- Has the student reached the same level of social maturity, motor development, communication skill, etc. as his/her age peers?

- Is the child who is placed in the regular classroom, receiving the regular curriculum?

- Have educational and related service goals been set that will enable the student to achieve the same performance levels as age peers prior to the age of 21 when educational entitlement ends?

AT would be considered best and not appropriate:

- If the current level of services provided by the school affords the student the opportunity to develop the same skills to the same degree as his/her peers; or,

- If even with AT device(s) and service(s), the student would not be able to develop these skills at a rate or to a degree significantly greater than he/she would without the device(s) and service(s).

If on the other hand these tenets are not true, then AT might be considered appropriate in meeting the educational goals of the student.

# Sample Assessment Questions

Basic Questions to ask about choice options:

What will it accomplish?

What problems will it solve?

What are its limitations?

What are the advantages/disadvantages of this device?

Is it flexible enough to accommodate changes if the student's disability changes?

Is there a way that a "standard" piece of equipment could be modified to meet the need?

Questions on characteristics and features:

Is the general appearance acceptable and desirable?

Is it comfortable and conforming personally and environmentally?

What are the safety features?

How safe is it when thinking about how it's going to be used?

Is it washable?

Can it be used indoors and outdoors?

Will bad weather affect the use and performance?

Does it have special features to make it more/less desirable?

How big is it?

How much does it weigh?

Are size and weight important features?

Questions on availability and purchase:

Is a prescription necessary?

Does the cost affect the ability to acquire it?

Has it been on the market long enough to establish itself?

Are references available from past and present users?

Is it a stock item or does it need to be made to order?

What is the return policy?

What are the conditions of warranty?

Questions on examination and use:

Is there a demonstration available?

Is it possible to rent or borrow this equipment?

Is there an opportunity to see it being used by others?

Has it been field tested?

If the device has been field tested, by whom?

Is the operation complicated beyond user tolerance?

Is user training available from the vendor?

Is training included in the purchase/rental price?

Is technical support available from the vendor?

Questions on wear and maintenance:

What is the expected lifetime?

What is the frequency of repairs?

What is the required service and maintenance?

Who does the required service and maintenance?

How far will it be necessary to travel to get service or maintenance?

Is there a loaner available during repair periods?

Can the student fix or adjust the device?

Is there someone else who can fix or adjust the device for the student?

Is there adequate, understandable maintenance information available for the student and his/her family?

Technical Questions:

Does the type of electrical system require batteries, battery chargers, AC adapter?

If batteries are required, how expensive are they?

How long are the batteries expected to last?

Does the device use standard components and values (i.e., switches, software, hardware, voltages)?

What is the type of power system (hydraulics, pneumatics)?

What kinds of advantages/disadvantages are associated with its use?

Is the device compatible with other equipment (cords, connectors, attachments, other equipment, machinery, etc.) or methods currently used by the student?